

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JEVON M. ELLIOTT,

Plaintiff,

vs.

C/O KELLER,

Defendant.

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Case No. 15-cv-00201-MJR

MEMORANDUM AND ORDER

REAGAN, Chief District Judge:

On February 25, 2015, Plaintiff Jevon Elliott, proceeding *pro se*, filed a civil complaint in this Court. (Doc. 1). In an Order dated March 18, 2015, the Court held that Plaintiff's complaint, as drafted, failed to state a claim and should be dismissed. (Doc. 4). However, the Court granted Plaintiff leave to file an amended complaint, in order to cure the defects noted in the Order. The Court instructed Plaintiff that if he wished to exercise this option he should file an amended complaint in accordance with the Court's instructions within thirty-five (35) days of the Court's Order dismissing the case (on or before April 22, 2015). Thirty-five (35) days have since passed. The Plaintiff has not filed an amended complaint.

As a result, the present case is **DISMISSED WITH PREJUDICE** and this case is **CLOSED**. Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, thus the filing fee of \$350 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

If Plaintiff wishes to appeal this dismissal, he may file a notice of appeal with this Court within thirty days of the entry of judgment. FED. R. APP. P. 4(a)(1)(A). A motion for leave to

appeal *in forma pauperis* should set forth the issues Plaintiff plans to present on appeal. *See* FED. R. APP. P. 24(a)(1)(C). If Plaintiff does choose to appeal, he will be liable for the \$505.00 appellate filing fee irrespective of the outcome of the appeal. *See* FED. R. APP. P. 3(e); 28 U.S.C. § 1915(e)(2); *Ammons v. Gerlinger*, 547 F.3d 724, 725-26 (7th Cir. 2008); *Sloan v. Lesza*, 181 F.3d 857, 858-59 (7th Cir. 1999); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). A timely motion filed pursuant to Federal Rule of Civil Procedure 59(e)¹ may toll the 30-day appeal deadline. FED. R. APP. P. 4(a)(4).

The Clerk shall **CLOSE THIS CASE** and enter judgment accordingly.

IT IS SO ORDERED.

DATED: April 27, 2015

s/ MICHAEL J. REAGAN
CHIEF JUDGE
UNITED STATES DISTRICT COURT

¹ A Rule 59(e) motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment. Fed. R. Civ. P. 59(e).